
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

WILLIE NED FARR, SR.,

Plaintiff,

versus

COURTNEY TRACY PONTHLER, *et al.*,

Defendants.

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CIVIL ACTION NO. 9:24-CV-90

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Willie Ned Farr, Sr., an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled civil rights lawsuit pursuant to 42 U.S.C. § 1983 against Courtney Tracy, a prosecutor, Sheriff Robert J. Burby, Jessie C. Dorsey, Probation Officer Raymond Koshuh, Judge Craig Mixon and Michael S. Ratcliff, a defense attorney who represented plaintiff. The court previously referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the case be dismissed for failing to state a claim and as frivolous.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. The court must therefore conduct a *de novo* review of the objections in relation to the pleadings and the applicable law.

Plaintiff's allegations concern actions which resulted in the revocation of his placement on probation. The magistrate judge concluded that as a finding in plaintiff's favor would call into question the validity of his incarceration, and as plaintiff's incarceration had not been invalidated, his claims were barred by the doctrine established in *Heck v. Humphrey*, 512 U.S. 477 (1994). The magistrate judge further concluded that as defendant Dorsey, a private citizen, and defendant

Ratcliff, a defense attorney, did not act under color of state law, they could not be liable in a lawsuit brought pursuant to Section 1983. Finally, the magistrate judge concluded defendant Tracy was entitled to absolute prosecutorial immunity and defendant Mixon was entitled to absolute judicial immunity.

In his objections, plaintiff provides further allegations regarding improper actions taken by the defendants in connection with the criminal proceeding against him. Plaintiff does not, however, attempt to show how the magistrate judge's analysis of his claims was incorrect. Based on the authorities cited in the Report and Recommendation, the court agrees that this matter should be dismissed.

ORDER

Accordingly, the objections filed by plaintiff in this matter (#4) are **OVERRULED**. The findings of fact and conclusions of law set forth in the report of the magistrate judge (#3) are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered in accordance with the recommendation of the magistrate judge.

SIGNED at Beaumont, Texas, this 28th day of October, 2024.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE